

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

FILED
AUG - 3 2017

Clerk, U.S. District Court
Texas Eastern

UNITED STATES OF AMERICA

§

v.

§

No. 4:17CR 117

§

Judge

§

PETER ZUCCARELLI

§

Mazzant

FACTUAL BASIS

Peter Zuccarelli, the defendant, hereby stipulates and agrees that at all times relevant to the Information herein, the following facts were true:

1. The defendant, **Peter Zuccarelli**, who is changing his plea to guilty, is the same person charged in the Information.
2. The events described in the Information occurred in the Eastern District of Texas and elsewhere.
3. The defendant and at least one other person made an agreement to commit the crimes of smuggling goods out of the United States and violating the International Emergency Economic Powers Act as described in the Information.
4. The defendant knew the unlawful purpose of the agreement and joined in it willfully, that is with the intent to further the unlawful purpose.
5. One of the conspirators during the existence of the conspiracy knowingly committed at least one of the overt acts described in the Information in order to accomplish some object or purpose of the conspiracy.

6. The defendant knowingly exported merchandise as described in the Information.

7. The defendant's exports were contrary to the laws and regulations as described in the Information.

8. The defendant knew the exports were contrary to the laws and regulations described in the Information.

9. The defendant exported items, described in the Information, from the United States.

10. The items the defendant exported, required an export license for the destination country.

11. The defendant failed to obtain a license or other authorization from the Department of Commerce prior to exporting the items and attempting to export the items.

12. The defendant did so knowingly and willfully.

13. A Co-Conspirator known as "SR," identified customers that wanted to purchase Radiation Hardened Integrated Circuits (RHICs) for use in China's space program and Russia's space program, took orders for the RHICs from those customers, and relayed those orders to the defendant, **Peter Zuccarelli**. SR arranged for a total of approximately \$1,575,983 to be placed into a bank account controlled by the defendant, **Peter Zuccarelli**, so **Peter Zuccarelli** could use the money to purchase the RHICs for the Chinese and Russian customers. SR instructed the defendant, **Peter Zuccarelli**, to create false paperwork and to make false statements in an attempt to hide the conspiracy

from United States officials; The defendant, **Peter Zuccarelli**, followed SR's instructions. From the Eastern District of Texas and elsewhere the defendant, **Peter Zuccarelli**, sent orders for RHICs to two U.S. companies, certified that his company, American Coating Technologies, was the end-user of the RHICs knowing that it was not, and used the money that SR had arranged to be put into a bank account to pay for the RHICs. The defendant, **Peter Zuccarelli**, received the RHICs that he had ordered, removed them from their original packaging, repackaged them, falsely declared that they were "touch screen parts," and shipped them out of the United States.

DEFENDANT'S SIGNATURE AND ACKNOWLEDGMENT

14. I have read this Factual Basis and the Information and have discussed them with my attorney. I fully understand the contents of the Information and this Factual Basis and agree without reservation that they accurately describe the events and my acts.

Dated: 6-19-17



PETER ZUCCARELLI
Defendant

COUNSEL FOR DEFENDANT'S SIGNATURE AND ACKNOWLEDGMENT

15. I have read this Factual Basis and the Information and have reviewed them with my client. Based upon my discussions with the defendant, I am satisfied that the defendant understands the Factual Basis and the Information.

Dated: _____

9/19/17


HEATHER BARBIERI
Attorney for the Defendant